IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4134 OF 2004

The State of Maharashtra ...Applicant

Versus

Gopal Bapurao Bhamare & Ors. ...Respondents

.....

Mr.V.B.Konde-Deshmukh, A.P.P. for Applicant.

Mr.Anilkumar Patil for Respondents.

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CORAM: A.M.KHANWILKAR, J.

MARCH 28, 2005.

P.C.

1. Heard Counsel for the parties.

2. Mr.Patil appearing for the Respondents states, on instructions, that the trial of the criminal case pending before the lower Court has concluded, resulting in acquittal of the Respondents. Certified copy of the order passed by the Trial Court dated 7th February 2005 in Sessions Case No.92 of 2004 was produced, which re-inforces

this position. In that sense, nothing survives for consideration in the present Application. Hence, dismissed.

3. However, it is necessary to advert to the fact that the Court below, while releasing the Respondents on bail, has not recorded any reasons whatsoever, inspite of the fact that the offence in question was a serious offence punishable under Section 498-A, 304-B read with 34 of the Indian Penal Code. This is a matter of concern. Indeed, grant of bail is a discretionary order to be passed. That, however, does not mean that the Court will not record any reasons for exercising such discretion in favour of the accused in respect of a serious offence like the one, with which we are concerned, especially when such order can be subjected to challenge before the Superior Court. Suffice it to observe that if it is the practice of the concerned Judge to grant bail without recording reasons even in serious offences like one on hand, that is a matter which will have to be examined by the appropriate Authority.

4. Copy of this order, along with the impugned order, be forwarded to the Registrar General of this Court for placing the matter before the appropriate Authority in view of the observations made in this order.

A.M.KHANWILKAR, J.